

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING COMMITTEE  
MEETING MINUTES  
Thursday, May 2, 2013**

**CALL TO ORDER**

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 4:30 p.m. in the Green Lake County Government Center, County Board Room #0902, Green Lake, WI. The requirements of the open meeting law were certified as being met.

Present: **Eugene Henke, Ben Moderow, Don Peters, Harley Reabe, Michael Starshak**

Absent:

Also Present: **Al Shute**, County Surveyor/Land Development Director  
**Carole DeCramer**, Committee Secretary  
**Daniel Sondalle**, Assistant Corporation Counsel  
**Jack Meyers**, County Board Chair (6:45 p.m.)  
**Matt Kirkman**, Code Enforcement Officer  
**Missy Sorenson**, Code Enforcement Officer

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**Motion by Moderow/Reabe, unanimously carried, to approve the amended agenda.**

**APPROVAL OF MINUTES**

**Motion by Moderow/Henke, unanimously carried, to approve the April 4, 2013, corrected minutes.**

**PUBLIC APPEARANCES** - None

**PUBLIC COMMENT** - None

**CORRESPONDENCE**

**a. BOA Action of April 19, 2013, Update**

Shute – Reported that the April 19<sup>th</sup> Board of Adjustment public hearing found in favor of the landowner. This will be discussed under number 14 on the agenda.

Shute – Advised the committee that the WisLine seminar for zoning board appeals and variances is scheduled for May 15<sup>th</sup>. The committee is invited to attend.

**PURCHASES** - None

**CLAIMS**

Claims totaling \$23,352.93 were submitted. Land Use Planning and Zoning claims - \$539.60, and Land Information claims - \$22,813.33.

**Motion by Henke/Peters, unanimously carried, to approve the claims in the amount of \$23,352.93 for payment.**

## **APPROVAL OF DEPARTMENT ACTIVITY REPORTS**

- a. Permits, public hearings, etc.**
- b. Violations – land use and sanitation**

Shute – Discussed the various aspects of the reports.

**On a motion by Reabe/Moderow, unanimously carried, the committee approved the reports.**

## **WORKSHOP – PROPOSED A-2 GENERAL AGRICULTURAL ZONING DISTRICT**

The committee had directed staff to arrange a workshop for the purpose of allowing the committee to interact with the public in regard to the proposed A-2 General Agricultural Zoning District ordinance amendments. Shute explained that, at the prior meeting, Kathleen Moore suggested changes to the proposed ordinance. The suggestions were typed up and passed out at this meeting. Shute explained that Mrs. Moore is a retired zoning administrator with 37 years of experience with Waukesha County and lives in the Town of Marquette.

**On a motion by Reabe/Henke, unanimously carried, the committee suspended the rules to allow the public to comment on the proposed A-2 General Agricultural Zoning District ordinance amendments.**

Philip Anastazi, W6766 Hill Street, Markesan, Town of Marquette – Discussed the annual town association meeting where town officials discussed the combining of the A-2 and A-3 districts. The officials asked if Al Shute would be able to attend a Town of Marquette meeting to discuss the proposed ordinance amendments. He asked that the committee not rush this process.

Starshak thanked Anastazi for his comments and assured him that the committee will take its time in amending this ordinance.

Lynn Miller, W2865 Carter Road, Town of Manchester – Thanked the committee for keeping his community apprised of what is going on with ordinance amendments. Inquired as to whether this ties in with home-based businesses.

Shute explained that home-based businesses were originally a proposed component of this ordinance amendment as a conditional use permit. Because defining those uses is such an involved process, the committee made the decision to first streamline the A-2 and A-3 districts by combining them and then going back and looking at the home-based businesses as a conditional use permit

Starshak assured Mr. Miller that the committee will address the home-based businesses as a separate issue because these issues need the attention they deserve.

Mr. Miller stated that he has worked with these issues in Indiana and Wisconsin and it works quite well to deal with the conditional uses on an individual basis.

**On a motion by Reabe/Henke, unanimously carried, to the resume the rules.**

Reabe stated that he feels the committee should come to a conclusion on the setback on all public roads. This should come to a conclusion before finalizing the ordinance amendment.

Shute discussed the dairying section of the proposed ordinance.

Starshak asked that the committee review Mrs. Moore's comments before the next meeting so that the committee can discuss the possibility of incorporating those ideas into the proposed ordinance.

Henke stated that this process will get a lot of nonconforming properties cleaned up.

Shute added that this is just the text part of the ordinance amendment. The committee could also work with the towns with amending the zoning maps. The towns could help identify parcels that fit in certain categories or zoning districts.

## **DEPARTMENT/COMMITTEE ACTIVITY**

### **a. Agricultural Zoning Districts**

Shute – The overall idea would be to get one ag district and then, down the line, after we update our farmland preservation plan, update the exclusive agriculture district, which is the district farmers use to claim farmland credits. You will eventually look at the cottage industries.

### **b. Continued discussion on 25-foot setbacks**

Reabe stated that he has given this more thought. He's talked to the Town of Brooklyn town board members and they feel that a setback relating to a 40 mph speed limit, 40 feet from town roads, would be appropriate. The committee discussed further the criteria for setting speed limits and setbacks. Starshak proposed looking at the safety issue and property density in determining a setback. Henke suggested having the sheriff come to the next meeting to discuss the criteria. Shute asked if this would be for any zoning district or just the residential districts. The committee could require ag buildings to have greater setbacks than residential buildings. This will be discussed again at the next meeting.

### **c. Discuss issue with non-conforming structures in the shoreland area**

Moderow – There has to be a way to allow people to remove nonconforming structures in the shoreland but not make them take it back the full 75'. It may not be the right way to do things.

Shute stated that the ordinance would allow the structure to be built in the same location, but it would have to be in the same 3D footprint. With Ben's (Moderow) situation, his client wanted to tear down the structure, move it back, and build it larger. The square footage that would be built within the 75' setback would be about the same as it was before it was torn down.

Starshak added that it was the department's decision that it was not the intent of the ordinance to allow anything to be built within the setback even though it would be set back further than the original structure.

Shute explained that the board of adjustment made a decision to let the project move forward. The Board of Adjustment also asked that this committee clarify the language in that section of the shoreland zoning ordinance.

The committee asked that this be placed on the June agenda for further discussion.

**COMMITTEE APPROVAL OF CERTIFIED SURVEY MAP PER 236.34(1) WIS STATUTES**

**On a motion by Henke/Reabe, unanimously carried on roll call (5-ayes, 0-nays), to approve the Teresa Rucks certified survey map per WI Statute 236.34(1).**

**FUTURE COMMITTEE ACTIVITIES**

**a. Future agenda items**

- Agricultural zoning districts
- Continued discussion on 25-foot setbacks
- Discuss issue with non-conforming structures in the shoreland area
- Continued discussion on the proposed A-2 general agricultural zoning district

**b. Meeting dates(s)**

June 6, 2013

Business Meeting 4:30 p.m.

Public Hearing 6:00 p.m.

**5:51 p.m. On a motion by Starshak/Henke, unanimously carried, the committee moved to recess until 6:00 p.m.**

Committee Chairman Starshak reconvened the meeting of the Land Use Planning and Zoning Committee at 6:00 p.m. for public hearing items and read the rules of public hearing.

**PUBLIC HEARING ITEMS**

*Audio of committee discussion is available upon request from the Green Lake County Land Use Planning and Zoning Department.*

**Item I: Owners/Applicants:** Richard & Lois Dornfeld **General Legal Description:** N272 County Rd M, Parcel #012-00627-0000, Part of the SW¼, Section 32, T14N R12E, Town of Manchester, ±35 acres **Explanation:** Rezone ±4 acres from A-1 Exclusive Agriculture District to R-4 Rural Residential District and ±30 acres from A-1 Exclusive Agriculture District to A-2 Light Agriculture District.

a) Public Hearing

No one appeared.

Public hearing closed.

b) Committee Discussion and Deliberation

Shute explained why the applicants have requested the rezone

Peters stated that a request like this is why the committee created the R-4 zoning district.

Shute reported that the Town of Manchester did not object to the request.

c) Committee Decision

**On a motion by Reabe/Peters, carried on roll call (5-eyes, 0-nays), to recommend approval of the rezone request as presented and forward to County Board for final action.**

d) Execute Determination Form/Ordinance

**Item II: Applicant:** Green Lake County Land Use Planning & Zoning Committee

**Explanation:** Request to rescind the current Chapter 315 and adopt an updated Chapter 315 Land Division Ordinance. The purpose of the ordinance update is to modernize language related to land division standards and procedures within Green Lake County.

a) Public Hearing

Shute – A written summary is included with your meeting packet. The two main changes are: 1) the jurisdictional issue where other municipal ordinances, adopted pursuant to the statutory criteria, are in effect and the county ordinance would not be in effect, and 2) the issue of frontage and access along a public road and that was going from ownership requirement to allowing parcels off the public road to be created and access to them by an easement. There are other minor changes throughout the proposed ordinance.

Attorney Tom Kilgore, Town of Berlin – Advised that the committee not require 66’ of right of way. The ordinance should be silent when it comes to access/easement width.

Jerry Marchant, Town of Berlin – Agreed with the comments made by Attorney Kilgore. Reiterated that the ordinance should not include a specific easement width.

Assistant Corporation Counsel Dan Sondalle shared his opinion on qualifying exclusive and nonexclusive easements and on easement widths.

Public hearing closed.

b) Committee Discussion and Deliberation

The committee discussed the easement width, as presented in the proposed ordinance, and agreed that 66’ is an over reach. Shute suggested that the committee go back to the original language and let the landowner decide what the easement width should be; the committee agreed.

Public hearing closed.

c) Committee Decision

**On a motion by Peters/Reabe, unanimously carried, to strike “66’ of required easement width” from the proposed ordinance.**

**On a motion by Henke/Moderow, carried on roll call (5-eyes, 0-nays), to approve the proposed ordinance, as amended, and recommend to the county board they rescind the current Chapter 315 and adopt the updated Chapter 315 Land Division Ordinance as presented by the Land Use Planning and Zoning Committee.**

d) Execute Determination Form/Ordinance

**ADJOURN**

**On a motion by Reabe/Peters, unanimously carried, the committee adjourned.**

Time: 6:50 p.m.

**RECORDED BY**

Carole DeCramer  
Committee Secretary

**APPROVED ON:**

June 6, 2013